

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	04 C 3913	DATE	7/1/2004
CASE TITLE	IGOR VLADIMIR ASLAN vs. INS REPORESENTATIVE, CHICAGO, et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

MEMORANDUM OPINION AND ORDER

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion And Order. Plaintiff's motion for reconsideration is denied.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	LG courtroom deputy's initials	U.S. DISTRICT COURT CLERK 2004 JUL - 1 PM 6:26 Date/time received in central Clerk's Office	number of notices	Document Number 9
			date docketed	
			docketing deputy initials	
			date mailed notice	
			mailing deputy initials	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IGOR VLADIMIR ASLAN)

Plaintiff,)

vs.)

No. 04 C 3913

INS REPRESENTATIVE, CHICAGO;)
SHERIFF, COOK COUNTY, ILLINOIS;))
RUDOLF NADER MAYER & OTHERS,))

Defendants.)

DOCKETED
JUL 02 2004

MEMORANDUM OPINION AND ORDER

Plaintiff Igor Aslan filed a complaint against his former landlord, his landlord's business partner, the Cook County Sheriff, and directors and officers of the U.S. Department of Homeland Security and the Immigration and Naturalization Service (INS). Along with his complaint, plaintiff also filed a petition to proceed *in forma pauperis* and a motion for appointment of counsel. Most of plaintiff's allegations involved events that occurred in 1994. In our Memorandum Opinion and Order dated June 21, 2004, we denied plaintiff's petition and motion and dismissed his complaint. As explained in that decision, we did not have jurisdiction over some of plaintiff's claims and other allegations did not constitute claims upon which relief could be granted. Plaintiff has now filed a motion for reconsideration. It is difficult to determine why this motion has been fashioned as a motion for reconsideration because it has little to do with the claims brought by plaintiff in his original complaint.


As we understand plaintiff's motion for reconsideration, he is now alleging violation of his constitutional rights due to his detention by the INS. He indicates that he has been detained in excess of six months while awaiting deportation and that there is no likelihood of his

9

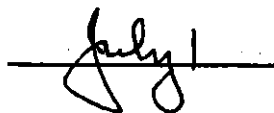
deportation in the foreseeable future. From letters that plaintiff submitted with his motion, it appears that he was detained by the INS and ordered deported, and that his deportation was not reasonably foreseeable. However, he is not incarcerated. Despite plaintiff's allegation that defendants are "improperly continuing to detain" him, the documents that he has filed with the court indicate that he has been released and is currently living on Montrose Avenue in Chicago, IL. Even if we were to treat plaintiff's *pro se* motion for reconsideration as an amended complaint, it does not state a claim given that plaintiff is not in custody.

CONCLUSION

Plaintiff's motion for reconsideration is denied.



JAMES B. MORAN
Senior Judge, U. S. District Court

 , 2004.